

FIRST APPEAL NO.6/2000

1. Mr. Tito G. Gama, 57 years
of age, father of deceased.

2. Mrs. Aldimira Gama, 47
years of age, mother,

3. Miss Tina Gama, 23 years
of age, sister,

4. Miss Tronica Gama, 22 years
of age, sister.

5. Mr. Austin Gama, 17 years
of age, brother.

6. Mr. Dicton Gama, 16 years
of age, brother,

All residents of
Savorcotto,
Cuncolim, Salcete, Goa.

... Appellants.

V/s.

1. Mr. Inacio Fernandes,
Mott, Wado, Revona, Goa.
(Driver of Jeep GDZ 7041)

2. Mr. Ramrai Yeshwant P.
Desai, Revona, Goa
(Owner of Jeep GDZ 7041).

3. United India Insurance
Co. Ltd., Gosalia Bldg.,
2nd Floor, Margao, Goa.

.... Respondents.

Mr. V.A. Lawande, Advocate for the appellants.

Mr. E. Afonso, Advocate for the respondents.

CORAM : F.I. REBELLO, J.

DATE : 10TH JULY, 2003.

ORAL JUDGMENT :

The challenge is to the Award dated 4.10.1999. By the said Award, an amount of Rs.1,71,500/-, with interest thereon at the rate of 11 % till payment was awarded. The challenge in the present appeal is to the working out of the said dependency. It is contended on behalf of the appellants that once the dependency had been worked out at Rs. 18,000/- per annum and compensation awarded for the first 7 years on that basis, it was not open to the Claims Tribunal to have thereafter reduced the dependency as set out in the Award itself.

2. The deceased was working as a Tailor. Appellants No.1 and 2 are the parents and respondents No.3 to 6 are the sisters and brothers. The accident took place in the year 1992 and by now even appellants No.5 and 6 would have attained majority. The real question is whether there is any error in the order of the Presiding Officer of the Claims Tribunal in awarding the dependency. The learned Claims Tribunal has fixed the monthly earning at Rs.2,250/- and has deducted therefrom 1/3rd and thus worked out the dependency at Rs.1500/- per month. The annual dependency, therefore, would be Rs.18,000/-. At the time of the accident, the appellant No.1 himself was employed. The age of the deceased has been held to be 21 years and the multiplier of 17 has been followed. Considering the age of the appellants and the fact that the deceased may have got

married, the learned Claims Tribunal held the full dependency payable for the first 7 years and thereafter, held that it would come down and fixed it at Rs.36,000/- per annum. Based upon that, the learned Tribunal worked out the dependency at Rs.1,62,000/- and to that added funeral expenses of Rs.2000/-, a sum of Rs.5,000/- toward loss of company and comfort and a sum of Rs.2,500/- towards loss to the estate and accordingly awarded the total compensation at Rs.1,71,500/-.

I do not find any error committed by the learned Tribunal in applying the multiplier. Therefore, there is no merit in this appeal. It is accordingly rejected. No order as to costs.

F.I. REBELLO, J.

ssm.